



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Board Of Physical Therapy Examiners

BOARD MEETING MINUTES SEPTEMBER 21, 2010

The September 21, 2010 meeting was called to order at 1:00 p.m. by the Chairperson, Shirley Leeper, PTA.

Call to
Order

Board Members present:

John Baker, PT
Ved Gupta, Consumer Member
Krystal Lighty, PT
Lori Mizell, PT, Vice Chairperson
Donald Novak, PT
Lois Rosedom-Boyd, Consumer Member

Also present:

Ann Tyminski, Executive Director
Joy E. Aaron, Deputy Director
Patricia Miller, Licensing Coordinator
Deborah Jackson, Office Secretary
John Bull, Investigator
Ernest Bures, Compliance Manager/Investigator
Linda Bethman, AAG, Board Counsel
Francesca Gibbs, Staff Attorney
Chineda Onyeji, PT Applicant

The minutes of the August 17, 2010 meeting were accepted with one correction, the APTA Legislative Committee is the APTA Governmental Affairs Committee. This change will be made.

Minutes

Mrs. Tyminski reported that she had received a resignation letter from Stephen D. Ryan, PT who cited business pressures as the reason for his resignation from the Board effective the date of the letter. APTA of Maryland and the DHMH Appointments Office were notified immediately. APTA is searching for a replacement.

Resignation

The Board reviewed the Opinion of the Attorney General regarding physical therapists' performing dry needling. There was discussion about the task of the Board to undertake the rulemaking process and whether the Physical Therapy Board would need to consider whether the procedure is akin to those for which physical therapists are trained, whether the procedure, if misapplied, entails an unusual risk of injury, and whether special diagnostic safeguards beyond those used by physical therapists are needed. If, after the rulemaking process, the Physical Therapy Board finds that an acupuncture needle is a "mechanical device" and that dry needling is within the scope of

AG Opinion
re dry needling

physical therapy, it should also define the standards for the use of dry needling, including the standards for the education and training of physical therapists who engage in the practice.

The Board decided to form a task force on this issue. John Baker and Don Novak will represent the Board. Jan Dommerholt, PT and others who practice dry needling will be invited to participate in the task force. This is a long process. The first meeting is scheduled for January 6 at 4:00 p.m. at a public venue in Frederick, Maryland. The Task Force meetings will be open to the public.

Task Force on
Dry Needling

Lori Mizell presented the minutes of the Legislative Committee meeting held on August 24, 2010. The process for auditing continuing education was discussed along with Ms. Aaron's follow-up memo regarding the problems in the process as outlined by the Committee. There will be no change in process until to the Continuing Education regulations are promulgated. Therefore, for the 2011 renewal period audits will be performed as has been past practice. No regulations are promulgated during legislative session.

Legislative
Committee

The Board accepted the recommendation of the Committee that there be no change in the bill language being presented in the 2011 session. That language states the practice of limited physical therapy includes "taking and documenting measurements." The appropriate tests and documentation of measurements should be defined in regulation.

PTA Scope

The Board reviewed and discussed an e-mail inquiry from Jeffrey Krum pertaining to evaluations and re-evaluations, billing and appropriate documentation in a hospital-based practice. The Board determined that a re-evaluation is appropriate if the patient is referred a second time for physical therapy during the same hospitalization for the same diagnosis. If a patient is seen, discharged from PT and then consulted during the same hospitalization for a new diagnosis, a new evaluation is appropriate. He will be referred to APTA Reimbursement Division for questions regarding appropriate billings. Since Ms. Lighty works in the same facility as Mr. Krum, she was recused from deliberations regarding this inquiry.

Jeffrey Krum

An e-mail inquiry from Reshad D, a PTA who is considering an offer from a rehab facility that also offers work hardening was reviewed. She is coming to Maryland from another state and is unsure of her role in this facility. Her questions were not clear to the Board members, and she will be advised to go into more detail as to which of her questions relate to the practice of limited physical therapy if she wishes a Board response. She will be referred to Workers Compensation Commission for guidelines on work hardening.

Work
Hardening

After review and discussion of the FSBPT inquiry regarding rehabilitative ultrasound, Don Novak will research the issue and report back to the Board at its November meeting. In the meantime, the response to FSBPT is that the Board has not yet made a determination in the matter.

Rehabilitative
Ultrasound

The e-mail inquiry from Donna Curley, PT regarding Physical Therapists' recommendations at discharge was reviewed and discussed. The Board's response is that a physical therapist must make recommendations for follow-up that is clearly stated in the Standards of Documentation. Whether or not those recommendations are followed by Social Work personnel is up to facility policy.

PT
Recommend-
ations

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The following continuing education course approval requests were brought to the Board by the Continuing Education Committee for approval or denial:

CEU Courses

"Golf Biomechanics" – Denied because Instructor was not sufficiently qualified to instruct physical therapists.

"Health Coach Certification" was denied as being too general, targeted a wide population, and was not specific to physical therapy.

"Applied EKG Interpretation" was denied by a 3 for and 4 against vote of the Board. The course is targeted towards nursing rather than specific to physical therapy.

"Peer Review: Using Evidence Based Research and Clinical Reasoning" was approved by a vote of 5 for and 3 abstaining.

"MDS 3.0 Initial MDS 3.0 Completion and Data Application to Enhance Quality of Care for Residents" was denied as not being related to physical therapy clinical practice.

"Themes in Neuro-rehabilitation: Cerebral Palsy Across the Lifespan" was denied as it was not targeted to a professional audience.

An inquiry from a PTA currently licensed in Louisiana but not a graduate of an accredited PTA program was presented by Mrs. Tyminski. The PTA was requesting that the Board waive its requirements because he wishes to return to Maryland to help in the care of his ill mother. The Board directed Mrs. Tyminski to respond that the law does not provide for a waiver of its licensure requirements.

PTA Inquiry

There was a response from the Chiropractic Board was reviewed. The response indicates that it is appropriate for a chiropractor who has physical therapy privileges to advertise that he or she provides physical therapy so long as the physical therapy is in conjunction with chiropractic treatments.

Chiro
Advertisement

Mrs. Tyminski reported that the door between the Chiro Board and the Physical Therapy Board offices has gone out to bid, and the door should be installed before too long so that the PT Board will comply with sunset review provisions about possible HIPPA violations.

Door

Reports: The Board reviewed the Income statements for August, 2011.

Income
Statements

Informational: An e-mail from FSBPT re the suspension of the NPTE, an e-mail from FSBPT regarding indemnification of Boards in case of a lawsuit regarding the NPTE issue, and a letter from the California PT Board to FSBPT regarding their concerns about the decision to suspend the NPTE for certain applicants were all reviewed by the Board.

NPTE

An applicant, Chineda Onyeji, was allowed to make a statement to the Board for consideration of his application for licensure.

PT Applicant

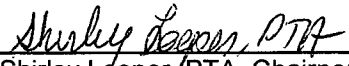
The Board unanimously voted to close the open session at 2:55 p.m. for the purpose of engaging in medical review committee deliberations of physical therapist and physical therapist assistant applications in accordance with State Government Article Section 10-50 8 (a) (13) and to discuss disciplinary cases.

The Board adjourned its meeting at 6:40 p.m.

Respectfully submitted,


Ann E. Tyminski, Executive Director

November 16, 2010
Date Approved


Shirley Leeper/PTA, Chairperson